

*E. Wyatt Blanchard*

METROPOLITAN

POLICE

LAW.

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# A N A C T

TO ESTABLISH A

## METROPOLITAN POLICE DISTRICT,

AND TO PROVIDE FOR THE GOVERNMENT THEREOF.

PASSED April 15, 1857, three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

§ 1. The counties of New York, Kings, Westchester and Richmond are hereby constituted, for the purposes of this act, into one district, to be called "The Metropolitan Police District of the State of New York." Immediately upon the passage of this act, and thereafter from time to time as required by this act, there shall be appointed by the governor, and by and with the consent of the senate (except that during any recess of the senate the governor may appoint, subject to the thereafter consent of the same), five commissioners of police, who shall be the chief officers of the said "The Metropolitan Police District," and who shall severally possess and perform therein the powers and duties authorized and enjoined by this act. The said commissioners, together with the mayors of the cities of Brooklyn and New-York, ex-officio, shall form the board of police for the said district, and a majority of them shall constitute a quorum of such board for the transaction of business.

The police  
distr.ct.

Commis-  
sioners.

§ 2. Three of said commissioners shall be appointed from the city of New-York, one from Kings county, one from the county of Richmond or Westchester. The persons so first appointed shall thereupon assemble together in the office of the secretary of state and draw lots among themselves, in the presence of the said secretary of state or his deputy, for three terms of office; one term to expire for three commissioners upon the first day of May, which will be in the year eighteen hundred and fifty-eight, another term to expire for two commissioners on the first day of May in the year eighteen hundred and fifty-nine. Each commissioner appointed to fill a term succeeding an expiring one shall be appointed thereafter for the full term of three years, and the appointment for such full term shall be made as provided in section first, and shall be made from the county in which the vacancy occurred. Any vacancy as commissioner of police for the said "The Metropolitan Police District" shall be filled by the board of police for the residue of the unexpired term. Any one of the said commissioners who shall, during his term of office, accept any other place of public trust or emolument, or who shall, during the same period, receive any nomination for an office elective by the people, without publicly declining the same within ten days succeeding the said nomination, shall

Duties of  
first com-  
missioners.

Succeeding  
commis-  
sioners.

## AN ACT TO ESTABLISH A

be deemed thereby to have vacated his office. Any one of the commissioners aforesaid may be at all times removed by the governor, under the provisions of the statutes relating to the removal from office of sheriffs, which provisions are hereby extended so far as to relate to each one of the said commissioners.

Oath of office.

§ 3. Upon the conclusion of the drawing for terms of office, provided for in the preceding section, the said secretary of state, or his deputy, shall file a certificate of the result thereof and give to each commissioner the proper certificate of his office, according to the term he shall have so drawn as aforesaid. The said secretary of state, or his deputy, shall then administer the constitutional oath of office to each commissioner and make the proper record thereof; whereupon the said commissioners may organize themselves into a board of police for the said "The Metropolitan Police District," and assume the control of the police force thereof.

Officers of the board.

§ 4. The officers of the board of police shall be a president and treasurer, who shall each be selected from among the said commissioners. The board shall have power to appoint a chief clerk and six deputy clerks for the said district, who shall severally hold office at the pleasure of the said board. The principal office of the board shall be located in such part of the said "The Metropolitan Police District," as may be deemed most advisable and convenient for the transaction of business. The said office shall be rented by the board, and the superintendent of police, hereafter created, shall have office accommodation in the same building with that occupied by the said board. The office accommodations for the two deputy superintendents of police, hereinafter created, may be, at the discretion of the commissioners, located in any part of the district, except that one deputy superintendent of police shall have office accommodations in the city of Brooklyn.

Place of business.

Duties of the commissioners.

§ 5. It shall be the duty of the board of police hereby constituted, at all times of the day and night, within the boundaries of the said "The Metropolitan Police District," to preserve the public peace, to prevent crime and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order at every primary and public election, to remove nuisances existing in public streets, roads, places and highways, to provide a proper police force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travellers at steamboat and ship landings and railway stations, to see that all laws relating to the observance of Sunday and regarding, pownbrokers, mock auctions, emigrants, elections, gambling, intemperence, lottery policies, vagrants, disorderly persons and the public health are properly enforced, and to obey and enforce all ordinances of common councils and boards of supervisors, and town and village authorities within the said "The Metropolitan Police District," which are applicable to peace or health.

Rules.

§ 6. The said duties of the board of police shall be more especially executed under the direction and control of said board, and according to rules and regulations which it is hereby authorized to pass from time to time for the more proper government and discipline of its subordinate officers, by a police force for the whole of the said "The Metropolitan Police District," and authorized to do duty in any part thereof, without regard to residence or county lines. The said police force shall consist of a general superintendent of police and two deputy superintendents of police, five sergeants of police and so many inspectors or captains of

The police force.

police, not to exceed forty, so many sergeants of police, not to exceed one hundred and fifty, and so many police patrolmen as may be determined upon by the board of supervisors of the county of New-York, to be appointed as a quota of the patrol force, to be paid for by said county, and as many police patrolmen so may be determined upon by the common council of the city of Brooklyn, to be appointed as a quota of the patrol force, to be paid for by the city of Brooklyn, and so many police patrolmen as may be determined upon by the supervisors of the towns of the county of Kings, not included within the municipal jurisdiction of the city of Brooklyn, to be appointed as a quota of the police force, to be paid for by said towns of the county of Kings, and as many police patrolmen as may be determined upon by the supervisors of the counties of Richmond and Westchester, to be appointed as a quota of the patrol force, to be paid for by said counties respectively, in the mode and manner hereinafter provided; and the aforesaid authorities may from time to time increase or diminish the number of patrol men; and until otherwise provided, as aforesaid, the said quota of patrol force for the county of New-York and for the county of Kings shall be of the number of patrolmen now existing by law in the cities of New-York and Brooklyn. The said officers\* hereby created for the said police force shall be severally filled by appointment from the board of police, in the mode prescribed by this act, and each person, so appointed, shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of the said board, the laws of the state and the ordinances existing within the districts enacted by the city, county, town and village authorities within the same, and which ordinances apply to such part of the district where the members of the police force may be on duty.

Terms of office.

§ 7. The qualifications, enumerations and distribution of duties, mode of trial and removal from office of each officer of the said police force, shall be particularly defined and prescribed by rules and regulations of the board of police, in accordance with the constitution and law of the state; provided, however, that no person shall be appointed to office, or hold office in the police force aforesaid, who cannot read and write in the English language, or who is not a citizen of the United States, or who shall not have resided within the said "The Metropolitan Police District" during a term of five years next preceding his appointment, or who shall never have been convicted of crime; and provided that no person shall be removed therefrom, except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defence; and provided that whenever any vacancy shall occur as inspector of police, the same shall be filled by an appointment from among the persons then in office as sergeants of police, and a like vacancy in the office of sergeants of police shall be filled by appointment from among the persons then in office as police patrolmen.

Qualifications.

§ 8. The members of the police force of the said "The Metropolitan Police District" shall possess, in every part of the State of New-York, all the common law and statutory powers of constable, except for the service of civil process; and any warrant for search or arrest, issued by any magistrate of the State of New-York, may be executed in any part of the state by any member of the police force of the said "The Metropolitan Police District," without any backing or endorse-

Powers.

\*So in original.

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ment of the said warrant, and according to the terms thereof; and all the provisions of sections seven, eight and nine, of chapter two, title two, part four of the Revised Statutes, in relation to the giving and taking of bail, shall apply to this act. The general and deputy superintendent and inspectors or captains of police having just cause to suspect that any felony has been, or is being, or is about to be committed within any building, or on board of any ship, boat or vessel within the said "The Metropolitan Police District," may enter upon the same at all hours of the day and night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been tolen.

Gaming  
houses.

§ 9. If the general superintendent of police shall report in writing to the board of police that there are good grounds for believing any house or room within the said "The Metropolitan Police District" to be kept or used as a common gaming house or cockpit, and if two or more householders, dwelling within the said district and not belonging to the Metropolitan Police aforesaid, shall make oath in writing before any one of, the commissioners of police, and annexed to the said report (which oath every commissioner of police is hereby empowered to administer, receive and subscribe), that the premises complained of by the general superintendent of police are commonly reported and are believed by the deponents to be kept as a common gaming house or cockpit, it shall be lawful for any commissioner of police, by order in writing, to authorize the said general superintendent or either deputy superintendents of police to enter such premises, together with such numbers of the patrol force as shall be directed by the said commissioner, by name, to accompany him or them, and if necessary to use force for the purpose of affecting such entry, whether by breaking open doors or otherwise, and to take into custody all persons who shall be found therein, and to destroy all implements of gaming found therein, and forthwith to convey the said persons before any magistrate of the district, who shall forthwith proceed to hear the proof whether or no any of such persons were in such premises for the purpose of gaming, and if there shall be probable cause for believing that any of such persons were so in such premises for the purposes of gaming, then the said magistrate shall forthwith order, by due commitment, any of the said persons to find good bail, with two householders of the Metropolitan Police District as his securities, conditioned for his appearance at the proper criminal court of the county wherein the said premises are situated, having jurisdiction to try misdemeanors, either at the term thereof then in being, or at the next term thereof, to answer any indictment which may be found thereat, charging him with being in the said premises as a common gambler, or in default thereof the said magistrate shall commit to the common jail or city prison of the county for such trial. The said magistrate shall immediately send the proofs in writing to the district attorney of the county, whose duty it shall be, in preference to any other case in his office of prosecution for an offence, to lay the same before the grand jury of the county, and upon indictment being thereupon found, to immediately try the same in preference to every other case, subject to the discretion of the courts. It shall be sufficient in the said indictment to charge that the defendant (naming him), upon a day certain, and at an hour certain, was arrested within a common

gaming house and is a common gambler. If the jury are satisfied that the premises in which he was arrested, was kept for purposes of gaming, and that he was present for the purpose of gaming, then the said defendant may be convicted as a common gambler. If convicted as a common gambler, then the court shall forthwith sentence him, as for such misdemeanor, to an imprisonment not less than ten days in the jail of the county, or penitentiary not exceeding one year, and at hard labor therein, or to a fine not less than two hundred and fifty dollars nor more than one thousand dollars. The phrase "purposes of gaming," in this section, shall be taken to mean any purpose of playing for wagers of money at any game of chance, by whatever name the same shall be known. If the said implement of gaming seized shall have annexed to the same anything of value, apart from their value as such implements, the said thing of value so annexed to the implement ordered to be destroyed, shall be returned to the owner thereof.

§ 10. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline, to divide the said "The Metropolitan Police District" into precincts not exceeding forty, and without regard to county or ward boundaries, and to assign one inspector or captain of police, and four sergeants of police to each of said precincts. The board may from time to time establish a station or sub-station in each precinct, for the accommodation of the police force on duty therein. It may from time to time detail and change, without regard to or limitation of residence, inspectors or captains, sergeants and patrolmen and doormen to such parts of the district, rivers, creeks and harbors therein, or to such of the police and criminal courts, and to the public offices of the government of the cities of New-York and Brooklyn, and to the quarantine and emigration offices, as it may deem advisable. It shall not suspend members of the police force from pay for more than thirty days. It shall promulgate all regulations and orders through the general superintendent of police, who shall take the place of the mayor of the city of New-York and of the city of Brooklyn, as being the head of the police departments or force in the said cities, but always subject to the orders and regulations of the board of police; and it shall be the duty of the police force to respect and obey the said general superintendent of police as the head and chief of the same, subject to the rules and regulations and general orders of the board of police.

§ 11. The board of police, whenever it shall see fit, shall, on the application of any person or persons showing the necessity thereof, appoint and swear any additional number of patrolmen to do duty at any place within "The Metropolitan Police District," at the charge and expense of the person or persons by whom the application shall be made (but not to exceed the yearly sum provided for patrolmen of the force provided by this act as the general police force); and the patrolmen so appointed shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board and conform to its general discipline, and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges and duties of the patrol force heretofore prescribed. The persons so appointed may be removed at any time by the board of police, without assigning cause thereof, upon one month's notice of the

Police precincts.

Sub-stations.

Suspensions.

Superintendent's powers.

Patrolmen.

Special  
patrolmen.

intention so to do, given to the person or persons who applied for the appointment as aforesaid. The board of police may also, upon any emergency of riot, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen, without pay, from among the citizens, as it may deem advisable, and for a specified time, and during the term of service of any such special patrolmen he shall possess all the powers and privileges, and perform all the duties of the patrolmen of the standing police force of the district; but the board of police, in making such appointment, shall in no way interfere with the force of the lawful command of the sheriffs of counties, as now provided for by law, and such special patrol shall wear an emblem, to be prescribed by the police commissioners.

Resigna-  
tions.

§ 12. No member of the police force, under the penalty of forfeiting the pay which may be due him, shall withdraw or resign from the police force, unless he shall have given one month's notice thereof in writing to the general superintendent of police, and no person who shall have ever been removed from the police force established by this act, for cause, shall be reappointed by the board of police to any office in the said police force.

Stolen pro-  
perty.

§ 13. All stolen property taken by members of the police force shall be kept in a place and by a person to be designated by the board of police. Every such article of property shall be entered in a book kept for the purpose, together with name of the owner, if ascertained, and name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recovering the same. The board of police shall also cause to be kept general complaint books, in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books for the registry of lost, missing or stolen property, for the general convenience of the public and of the police force of the district. It shall also cause to be kept books of records of "The Metropolitan Police District," wherein shall be entered the name of every member of the police force, with his time and place of nativity, the time and place when he became a citizen, if he was born out of the United States, his age, his former occupation, number of family and the residence thereof, the date of appointment or dismissal from office, with the cause of the latter. And in every such record sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such member of the police force, or of any special services deemed meritorious by the inspectors or captains of police. It shall also cause to be kept in proper books the accounts of the treasurer of the board and number of the several meetings thereof, and all receipts for moneys, or warrants or checks for moneys, shall be written in books kept for the purpose, and the said receipts signed by the person or persons in every case receiving money warrants or checks from the treasurer. All such books shall be at all business hours, and when not in actual use, open to public inspection. The board of police shall also cause to be kept and bound all police returns and reports of the district.

Books of  
records.

Station-  
houses.

§ 14. It shall be the duty of the common councils of the cities of New-York and Brooklyn respectively, in accordance with the practice and ordinances now existing therein, to provide, at the expense of said cities, respectively, all necessary accommodations, within such precincts of the said "The Metropolitan Police



District" as shall be contained within the boundaries of the said cities respectively for the station-houses required by the board of police for the accommodation of the police force of such precincts, for the lodging of vagrants and disorderly persons and for the temporary detention of persons arrested for offences. It shall also be the duty of the said common councils respectively to furnish the same suitably, and to warm and light the same by day and night. In case the said common councils or either of them neglect or refuse so to do after having been thereto requested by the board of police, then the said board may make their own provisions in the premises, and the same, when made, shall become a proper charge and debt for the expenses and disbursement thereof against the said city or cities, whose common council has so neglected or refused to make provision as aforesaid. The accommodations required in the counties of Richmond and Westchester, and in county towns of Kings county, respectively, shall be those ordinarily made and used therein by the criminal authorities of each town or village therein; and so far as the detention of persons under arrest is concerned, the same shall be lawful in any part of the said "The Metropolitan Police District," without regard to county lines therein, on direction to that effect by any inspector or captain of police; and in every case of arrest, the same shall be made known within six hours thereafter to the inspector or captain upon duty in the precinct wherein the arrest was made by the person making the same, and it shall be the duty of the said inspector, within twelve hours after such notice, to make written return thereof according to the rules and regulations of the board of police, together with the name of the party arrested, the offence, the place of arrest and the place of detention. The board of police shall provide suitable accommodation within the said "The Metropolitan Police District," for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud or disorderly conduct, and it shall be the duty of the magistrates, in committing witnesses, to have regard to the rules and regulations of the board of police in respect to their detention.

Arrests.

Detention of witnesses.

§ 15. All telegraphic apparatus, public police property, books, records and accoutrements, now in the possession of the police departments of Brooklyn and New-York are hereby given for the use (at the proper places within the counties of Kings and Brooklyn, and not to be removed from the county wherein now used), of the board of police herein authorized; but the ownership of the same and the use thereof, as aforesaid, shall be according to the ordinances which the common councils of the cities in which the said property is situated, have enacted or may hereafter enact. The board of police shall have power to enact and maintain, under the general laws of the state relating to telegraph lines, all such lines of telegraph in such places within the said district as, for the purposes of police, the board shall deem necessary.

Police property.

§ 16. The necessary expenses incurred in the execution of criminal process within the said "The Metropolitan Police District," shall be a county charge only against the county from which the said process issued.

Expenses.

§ 17. The constables elected by the electors within the counties of Westchester and Richmond, and in the county town of Kings, shall possess all the powers con-

Constables.

- Supervisors. referred by this act upon patrolmen of the police force. The board of supervisors in each of the said last mentioned counties, and the supervisors of the county towns of Kings, in board assembled, may call upon the board of police to appoint for duty within the police precincts, of which the said county shall be a part, as many additional inspectors or captains, sergeants and patrolmen as it shall enumerate or describe, upon appropriations to the police fund the necessary expenses and salaries to be incurred thereby. Any of the village or town authorities within the said counties respectively may also make such demand upon the board of police, upon making the like provision of pay; and it shall be the duty of the board of police to appoint such officers, who shall thereafter become regular members of the police force of the district, and, subject to all the rules and regulations of the board, discharge the duties and possess the powers and privileges as such members. The supervisors of the counties of Richmond, Westchester and Kings are hereby authorized from time to time to levy and raise by tax, upon the real and personal property taxable within each county, such sum or sums of money as may be required to carry into effect the provisions of this section or the police purposes of this act.
- Village and town authorities.
- Taxes.
- Exemption. § 18. No person holding office under this act shall be liable to military or jury duty, nor to arrest on civil process, or to service of subpoena from civil courts whilst actually on duty.
- Health officers. § 19. The health officer of the port of New-York shall have power, at all times, to call upon any of the police force of the district, to a number not exceeding ten, to aid him upon any necessary emergency in enforcing the powers and duties conferred upon his office by law; and it shall thereupon become the duty of any such member of the police force, so called upon, to obey him; but such service shall not continue longer than twenty-four hours.
- Ordinances to be enforced. § 20. The board of police shall, at all times, cause the ordinances of the cities of New-York and Brooklyn to be properly enforced; and it shall be the duty of said board at all times, whenever consistent with the rules and regulations of the board, and with the requirements of this act, to furnish all information desired, and comply with all the requests made by the common council of the said cities, or by the mayor thereof, or by the board of supervisors of the counties of Westchester and Richmond, and the county town of Kings. The board of police is hereby invested with all the powers now conferred by law upon the mayors of New-York and Brooklyn in respect to ordering military assistance in aid of the civil authorities to quell riots, suppress insurrection, protect the property and preserve the public tranquility. The board of police shall appoint all court clerks prescribed to the judicial districts in which police justices are elected in the city and county of New-York, and it shall designate the courts at which they shall do duty respectively. The board of police shall have power to issue subpoenas tested in the name of its president to compel before it the attendance of witnesses upon any proceedings authorized by its rules and regulations. Each commissioner of police, the general superintendent of police and each deputy superintendent of police, and the chief clerk of the board of police, are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, or to
- Information to be given.
- Military.
- Court clerks.
- Subpoenas.
- Oaths

any depositions necessary by the rules and regulations of the board of police. Any wilful and corrupt false swearing by any witness or person making deposition, before any of the officers last mentioned, to any material facts in any necessary proceeding under the said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offence. The provisions of law now existing in respect to attachment of witnesses before committees of the common council of New-York, and to the compulsory attendance of the said witnesses to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before the board of police.

Witnesses.

§ 21. It shall be the duty of the board of police to detail, on the day of any election within the cities of New-York and Brooklyn, at least two patrolmen to each election poll, and shall in and for each of the said cities appoint all poll clerks provided for by law, and shall in and for the said cities provide ballot boxes for use at general, special and charter elections, and keep custody of the said boxes, except during the taking, receiving and counting of the votes. It shall not be lawful for any person to publicly keep or dispose of any intoxicating liquors upon the first day of the week, called Sunday, or upon any day of public election within the said the Metropolitan Police District, under a penalty of fifty dollars for each offence, to be sued for and recovered in the name of the people of the State of New-York, by the district attorney of the county wherein the offence is committed, for the benefit of the police contingent fund hereby authorized; and it shall be the duty of the board of police to strictly enforce the provisions of this section by its proper orders in respect thereto. It shall be the duty of the said board to prevent any booth or box for the distribution of tickets at any election to be erected or maintained within one hundred and fifty feet of any polling place within the said district.

Elections.

Sale of intoxicating drinks.

Booths.

§ 22. It shall be a misdemeanor, punishable by imprisonment in the county jail or penitentiary, if there be a penitentiary in the county where the conviction is had, not less than one year nor exceeding two years, or by a fine not less than two hundred and fifty dollars, for any person, without justifiable or excusable cause, to use personal violence upon any elector in the Metropolitan Police District, or upon any member of the police force thereof when in the discharge of his duty, or for any such member to neglect making any arrest for an offence against the law of the State, committed in his presence, or for any person not a member of the police force to falsely represent himself as being such member with a fraudulent design.

Violence at Elections.

§ 23. The treasurer of the board of police shall receive an annual stated salary of three thousand dollars, and each other commissioner shall receive an allowance of eight dollars for each day of actual service, the same to be certified to the comptroller of the state by the treasurer of the board, but no other compensation shall be paid or allowed to the members of the board. The general superintendant of police shall receive a like salary of three thousand dollars. Each deputy superintendant of police shall receive a like salary of two thousand dollars; each surgeon of police shall receive a like salary of fifteen hundred dollars; each inspector or captain of police shall receive a like salary of twelve hundred dollars; each sergeant of police shall receive a like salary of nine hundred dollars; the

Salaries.

chief clerk to the board of police shall receive a like salary of two thousand dollars, and each deputy clerk a like salary of one thousand dollars. The pay of each police patrolman shall be at the rate of eight hundred dollars, and that of each doorman at the rate of seven hundred dollars per year. The salaries shall be paid quarterly and the pay monthly, to each person entitled thereto. The salary of each commissioner shall be paid to him by the comptroller of the state, out of the police fund. Each inspector or captain shall receive monthly from the treasurer of the board, the sums required for the pay of the patrolmen and doormen doing duty within his police precinct. No member of the board of police or of the police force, shall receive or share in, for his own benefit, under any pretence whatsoever, any present, fee, gift, or emolument for police services, other than the regular salary and pay provided by this section, except by unanimous consent of the board of police.

Rewards.

§ 24. All rewards, fees, proceeds of gifts and emoluments that may be allowed by the board of police, to be paid and given for account of extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods shall be paid into the bank wherein the treasurer of the board of police shall be required, as hereinafter provided to keep his accounts. The payments so made shall constitute a fund, to be called the "Police Life and Health Insurance Fund," and the persons who shall from time to time fill the office of the said the treasurer of the board of police and that of the comptrollers of the cities of New-York and Brooklyn are hereby declared the trustees of the said funds, and may invest the same as they shall see fit, either in whole or in part.

Disabled policemen.

§ 25. Whenever any member of the police force in the actual performance of his duty shall become bodily disabled, his necessary expenses, on the certificate of a surgeon of police, stating the manner, cause and condition of injury and approved by the board of police, during the time his disabling as aforesaid continues may become a charge upon the fund provided for in the preceding section. If such bodily disabling is likely to continue for life, on the like certificate to that effect and the like approval, the sum of one thousand dollars may be chargeable upon the said fund, to be paid to the person so injured. If any member of the police force in the performance of his duty, shall be killed or shall die from the effect of any injury received by him whilst in such performance, and there shall be any person absolutely interested pecuniarily in the continuance of his life a sum of two thousand dollars may be chargeable against the said last mentioned fund to be paid to the person so interested. In every case the board of police shall inquire into the circumstances, and if satisfied the charge upon the said fund is correct, shall order the same to be paid by the draft of the said trustees upon the said fund, each writing his signature thereto. But the provisions of this section shall not apply to special patrolmen appointed as hereinbefore provided or, at the request and expense of private parties.

Killed in service.

Taxation for support of department.

§ 26. The board of supervisors in the county of New York, and the joint board of supervisors and aldermen of the city of Brooklyn and Kings, respectively, shall annually raise and collect by tax upon the real and personal property taxable within the cities of New-York and Brooklyn, such sums of money as the board of police for the said "The Metropolitan Police District," on or before the first

Monday of June in each year shall apportion as requisite and needful to be raised by each city and county, which several sums of money shall be applied by the said board of police for the fiscal purposes of this act. But such appointment shall not be legal or binding upon the respective boards of supervisors above mentioned if the apportionment of tax made to each county aforesaid shall exceed the sum which shall be necessary to maintain police accommodations and the police force used and employed within each or either of the said counties, according in the action of the board of supervisors, nor unless the said apportionment shall be first approved by a majority vote of an auditing committee, composed of the president of the board of supervisors in each of the counties embraced by the said "The Metropolitan Police District" and by the comptrollers of the cities of New-York and Brooklyn respectively. The said several sums of money apportioned, levied and collected within each of said cities of New-York and Brooklyn shall be in lieu of all taxes within each of the said cities for the support of police government therein.

§ 27. Such several sums of money provided for by the preceding section, when collected, shall be paid into the treasury of the said respective cities, and shall be styled the police fund, and next immediately paid into the treasury of the State of New-York, and shall be paid therein and therefrom under the fiscal regulations of law relating to the school fund of the State of New-York, at least once a month, but not in a sum exceeding at any one time one-sixth of the whole yearly sum collected; and the sums of moneys collected by the respective cities, aforesaid, for the purposes of police therein during the years eighteen hundred and fifty-six and eighteen hundred and fifty-seven, and not expended in the respective treasuries of the said cities, shall immediately, upon the organization of the board of police, and after due notice to that effect served upon the comptroller of the city and county of New-York, and the city treasurer of Brooklyn, be paid into the state treasury as a part of the police fund, and disbursed as before provided, to the treasurer of the board of police, on his proper warrant, in like manner as aforesaid.

§ 28. The treasurer of the board of police shall disburse all moneys required for the expenses of the said board, but always upon his check or warrant upon the funds to the credit of the board, which shall be deposited by the said treasurer in such bank or banks within "The Metropolitan Police District" as shall be designated for that purpose by the comptroller of the State of New-York. No expenses other than salaries and pay herein provided shall ever be incurred by the board of police, except for rent, stationery, printing, advertising fuel and lights, unless the same shall be expressly authorized, and provision therefor made as a separate county or city charge, by the board of supervisors for the county, or the joint board of the supervisors and aldermen of the city of Brooklyn, within which the expenditure becomes necessary.

§ 29. The treasurer of the board of police shall, before entering upon the duties of his office, execute a bond by himself, together with sufficient sureties, not less than two, in a penalty of fifty thousand dollars to the people of the State of New-York, conditioned for the faithful performance of his duties; the sureties to justify before a justice of the supreme court of the first or second judicial dis-

trict. This bond shall be approved by the comptroller of the State of New-York, and shall be filed in the office of said comptroller. Whenever any of its conditions shall be violated the said bond may be sued upon by the attorney-general of the state, and the proceeds of suit paid to the credit of the police fund provided by section twenty-seven.

Security of  
superintend-  
ents and oath  
of office.

§ 30. The board of police shall require and make suitable provisions respecting security to be entered into by the general and deputy superintendents of police and by the inspectors of police, and for the taking by members of the police force of an oath of office, and the registry of the same in a book to be kept for that purpose by the board of police; which oath of office may be taken before any commissioner of police who is hereby empowered to administer and receive the same.

Powers of  
board.

§ 31. From and after the first meeting of the board of police, under the provisions of this act, it shall possess all the power and authority heretofore conferred by law upon the board of commissioners of police of the city of New-York, or upon the mayor, recorder and city judge of said city as police commissioners, or upon the mayors of New-York and Brooklyn respectively, as the heads therein of the respective police departments of those cities, or upon the aldermen of the city of Brooklyn; which power and authority shall relate to or in any way be connected with the police government, police appointments or police discipline within either of said cities, or within the counties of Kings and New-York; and from and after the said first meeting of the board of police of "The Metropolitan Police District," the duty and authority and power of each and all of the afore mentioned officers in relation to police government, appointment and discipline, shall wholly cease and vest as aforesaid in the said board of police constituted by this act, except that the mayors of Brooklyn and New-York shall be, with the commissioners, members, ex-officio of the board of police, and entitled to one vote each at every session thereof, when present at its meetings.

Titles of  
office.

§ 32. From and after the passage of this act, the designation of chief of police in the cities of New-York and Brooklyn shall be respectively deputy superintendents of police, and the persons filling the first mentioned offices shall continue under their new name to discharge, as before, the duties of heads of the police departments in the said respective cities, but only until a general superintendent of police shall be selected and appointed by the board of police, from and after which they shall discharge duty respectively as his deputies. From and after the passage of this act, captains of police in New-York and Brooklyn shall be designated inspectors or captains of police; lieutenants and assistant captains of police in said cities, shall be designated sergeants of police, and perform duty concurrently with the sergeants then in office, until the board shall regulate the proper number of such sergeants according to the terms of this act; and policemen shall be designated patrol men. The present wards of the said cities shall be police precincts within the "Metropolitan Police District," until new ones are made by the board of police. The police in the cities of New-York and Brooklyn, officers and patrolmen, shall continue to do duty under existing laws, at the passage of this act, and according to the regulations of the departments of New-York and Brooklyn, until after the first meeting of the board of police under this

act, when the said police shall hold office and do duty under the provisions of the act hereby enacted, and as members of the police force of "The Metropolitan Police District," hereby constituted.

§ 33. The board of police shall remove from office any one of the present members of the police departments of New-York or Brooklyn, not possessed of the qualifications set forth in section seven of this act, but shall proceed in the manner prescribed in the seventh section of the act. Removals;

§ 34. The general superintendents of police shall make to the board of police quarterly reports in writing of the state of "The Metropolitan Police Districts," with such statistics and suggestions as he may deem advisable for the improvements of the police government and discipline of the said district. The board of police shall, on or before the first Monday in December in each year, report in writing the condition of the police within the said police district, to the governor of the state. Reports

§ 35. All statutes, parts of statutes and provisions of law inconsistent with the provisions of this act are hereby repealed, together with all modes and qualifications of appointment to office as members of police departments, of elections to office therein, inconsistent with the provisions of this act, whether such statutes, provisions and modes and qualifications relate to the city of Brooklyn or to the county of Kings or to the city and county of New-York. Repeal of former statutes.

§ 36. Whenever in any statute not inconsistent with this act, the word chief of police shall occur, it shall be taken to mean general superintendent of police, in like manner the word captain of police shall be deemed to mean inspector or captain of police, in like manner the words lieutenants or assistant captains of police, shall be taken to mean sergeants of police, and the words policemen and patrol men shall be identical in meaning in any act not repealed by this act. Other statutes.

§ 37. This act shall take effect immediately.







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